

cc

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 MAR 13 AM 9:28

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ezequiel VARGAS-Cruz

Defendant

) Magistrate Docket No. **'08 MJ 0797**

) Case No. \_\_\_\_\_

) COMPLAINT FOR VIOLATION OF:

) Title 8, USC, Section 1326 -

) Deported Alien Found in the

) United States

The undersigned complainant, being duly sworn, states:

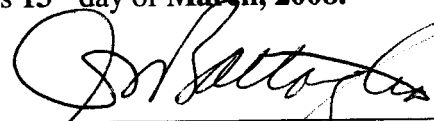
On or about **March 12, 2008**, within the Southern District of California, defendant **Ezequiel VARGAS-Cruz**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT  
Charles Lee Haskell, United States  
Immigration and Customs Enforcement  
Special Agent

Sworn to before me and subscribed in my presence, this 13<sup>th</sup> day of **March, 2008**.



UNITED STATES MAGISTRATE JUDGE

### **PROBABLE CAUSE STATEMENT**

On March 12, 2008, at approximately 0600 hours, Immigration and Customs Enforcement (ICE) Special Agents, Customs and Border Protection (CBP) Enforcement Officers and a Task Force Officer (TFO) executed a search warrant at 9960 Apple Street, Spring Valley, California.

Subsequently, ICE Special Agents Marie Elena Najera and Marshall Root knocked on the door of the rear apartment, located at the rear northeast side of the house. A Hispanic male, later identified as Ezequiel VARGAS-Cruz, the Defendant answered the door. Agents subsequently entered the apartment and secured the Defendant. The Defendant admitted to both ICE Special Agents Najera and Root that he was a citizen and national Mexico with no documents to be in the United States. Agents subsequently checked the remaining portions of the apartment and found no other persons. At approximately 0630 hours, ICE Special Agent Haskell advised the Defendant of his Miranda rights in the Spanish language and he agreed to answer questions without the presence of counsel, as witnessed by ICE Special Agent Najera. The Defendant admitted that he was a citizen and national of Mexico, with no legal right or document to enter or remain in the United States. VARGAS further admitted that he had been previously deported and that he had not obtained permission to reenter the United States. CBP Enforcement Officers Loperena and Rosas transported VARGAS to the San Ysidro Port of Entry for further processing.

At the San Ysidro Port of Entry, California, VARGAS was queried by a ten-digit fingerprint submission on the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS resulted in a positive match to the query, confirming the identity of VARGAS and linking him to Immigration and FBI records

Immigration service records checks, including Deported Alien Control System (DACS) revealed that VARGAS is a citizen and native of Mexico and had been previously ordered removed from the United States to Mexico. DACS records indicate that on or about November 3, 2006, he was ordered removed from the United States and subsequently deported to Mexico via the San Ysidro Port of Entry, California, on November 5, 2006. Records further indicated that January 4, 2005, he was ordered removed from the United States by Immigration Judge Zsa Zsa Depaolo and subsequently deported to Mexico via the San Ysidro Port of Entry, California, on January 4, 2005. Immigration service records contain no evidence that he has applied or received permission from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to legally seek reapplication for admission into the United States since his last order of removal.